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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. |
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09/030,854 02/26/98 FRIED

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LMC1/0429

EXAMINER

RETTA, Y

ART UNIT

PAPER NUMBER

2764

DATE MAILED:

04/29/99

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/030,854

Applicant(s)
Fried

Examiner
Yehdega Retta

Group Art Unit
2764



☒ Responsive to communication(s) filed on Feb 26, 1998

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-20 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-20 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____.

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 4

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit: 2764

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kiron et al U.S Patent No. 5,806,048.
3. As per claims 1, 10 and 19 Kiron et al. discloses selection of stock from a database of stock information (see fig. 1A); selecting criteria consists of buyback (see col. 1 lines 13-15 for open end mutual funds) and at least one of price/sales ratio and a price/earnings ratio for each stock (see col. 4 lines 18-35 and 41-57). Kiron et al. does not specifically discloses calculating buyback ratio. Official notice is taken that calculating ratio or percentage from available information. Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention was made to calculate the percentage of repurchased or outstanding stock for statistical analysis. Kiron et al. discloses ranking stocks (see column 5 lines 4-39).
4. As per claims 2, 11, 20 Kiron et al. discloses database identifying market cap value of each company (col. 4 lines 18-35); selecting the price/sales ratio for the companies top half of

Art Unit: 2764

the market cap table and price/earning ratio for the companies in the bottom half of the market value (see col. 5 lines 29-39 and col. 4 lines 13-24).

5. As per claims 3, 4, 12 and 13 Kiron et al. discloses searching the Standard and Poor index or the Dow Jones Industrial Average within the database (see col.7 lines 54-58).

6. As per claims 5, 6, 14 and 15 Kiron et al. discloses identifying companies with price value of stocks repurchased (see col. 4 lines 25-30).

7. As per claims 7 and 16 Kiron et al. discloses selecting number of stocks repurchased by segregating the number of outstanding shares(see col. 6 lines 1-8).

8. As per claims 8, 9, 17 and 18 Kiron et al. discloses generating and storing investment report comprising the ranking of stocks and outputting the investment report (see col. 5 lines 39-48).

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Barr et al. U.S. Patent No. 5761442 teaches predictive neural network means and method for selecting a portfolio of securities wherein each network has been trained using data relating to corresponding security.

Art Unit: 2764

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yehdega Retta whose telephone number is (703) 305-0436. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell, can be reached on (703) 305-9768.

Any inquiry of general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3800.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 308-9051 (for formal communications intended for entry)

OR:

(703) 308-5357 (for informal or draft communications, please label "PROPOSED"

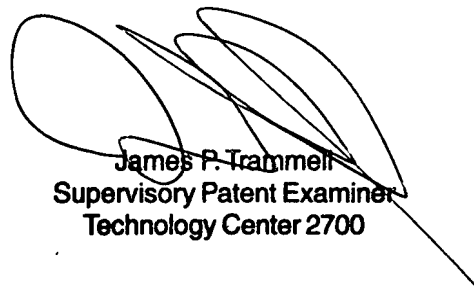
OR "DRAFT")

Examiner

Yehdega Retta

Art Unit 2764

April 22, 1999



James P. Trammell
Supervisory Patent Examiner
Technology Center 2700